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EXAMINER	
PAULA, CESAR B	

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/829,225	BOGAT, ANTONIO R.	
	Examiner	Art Unit	
	CESAR B PAULA	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 April 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4/9/01* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This action is responsive to the application, and IDS filed on 4/9/2001.

This action is made Non-Final.

2. Claims 1-13 are pending in the case. Claims 1, 5, 10, and 13 are independent claims.

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: It does not identify the citizenship of each inventor. The citizenship is listed as "HT"; it is not clear which country this is. Please, spell out the country of citizenship.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 4/9/2001 has been entered, and considered by the examiner.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3, 8-9, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 3 recites the limitation "the first background research"in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

8. Claims 8-9 recite the limitation "the specific identity of the visitor" in claim 8, line 2. There is insufficient antecedent basis for this limitation in the claim. There is no previous "specific identity of the visitor" in this claim or its base claim.

9. Claim 13 recites the limitation "the collection", and "the first … information" in lines 11-13. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-2, 5-6, and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemay et al, "Web Workshop JavaScript", hereinafter Javascript, Sams.net, 1996, pages 178-179, 186-191.

Regarding independent claim 1, Javascript discloses the prompting, and storing of a user's name in a cookie in order to remember the user when the user—*first visitor*-- comes back to a web page –*web site* (page 187-189, fig. 9.6). The user's name serves to identify the user to the web site, whenever the user visits the site.

In addition, Javascript discloses that a user can store cookies having preferences, such as a user's name. Whenever the user comes back to the web page, this user is remembered, and if a name has been previously stored in the cookie, a javascript is used—*performing background search on the first visitor*-- to greet the user by displaying the user's name on the web page (page 187-189, fig. 9.6). The name is retrieved from the javascript and displayed on a web browser—*selecting first information from a collection of information* reflecting the user's stored preferences.

Furthermore, Javascript teaches a server sending and outputting a web page, containing the user's name, to a user—*transmitting the first information to the first visitor* (page 179, lines 1-12, page 187, lines 1-8, pages 188-189, fig. 9.6).

Regarding claim 2, which depends on claim 1, Javascript discloses the prompting, and storing of a user's name in a cookie in order to remember each user that accesses a web page, when the user—*second visitor*-- comes back to a web page –*web site* (page 179, 187-189, fig.

9.6). The user's name serves to identify the user(s) to the web site, whenever the site is visited by the user(s).

In addition, Javascript discloses that a user(s) can store cookies storing preferences, such as a user's name. Whenever the user comes back to the web page, this user is remembered, and if a name has been previously stored, a javascript is used—*performing second background search on the second visitor*-- to greet the user by displaying the user's name on the web page (page 187-189, fig. 9.6). The name is retrieved from the javascript and displayed on a web browser—*selecting from the collection of information second information* reflecting each user's stored preferences. In other words, a user's name is displayed, whenever each user visits a web page or site to be able to track or tell different users.

Furthermore, Javascript teaches a server sending or outputting a web page, containing the user's name, to each user—*transmitting the first information to the second visitor* (page 179, lines 1-12, page 187, lines 1-8, pages 188-189, fig. 9.6).

Regarding independent claim 5, Javascript discloses a user viewing a web page in accordance to users' predetermined preferences, whenever each user returns to the web page, using links such as targeted links–*an inquiry by a user to the web site* (page 178-179, 187-189).

Furthermore, Javascript discloses that a user(s) can store cookies having preferences. Whenever the user comes back to the web page, this user is remembered, and the web page is viewed based upon the user's preferences (page 179, and 187). In other words, whenever a user returns to a web page or site, a server determines if there is a cookie associated with the user. If there is a cookie with preferences stored in association with the user, then the web page

(containing information such as frames—*first and second information*) is sent and displayed to a user, in accordance to the user's preferences —*estimating whether the user possesses selected characteristics or preferences and based on the estimate selecting first and second information from a collection of information.*

Regarding claim 6, which depends on claim 1, Javascript discloses that a user(s) can store cookies having preferences. Whenever the user comes back to the web page, this user is remembered, and the web page is sent to the user and viewed based upon the user's preferences (page 179, and 187).

Regarding claim 8, which depends on claim 5, Javascript discloses the prompting, and storing of a user's name–*specific identity of the visitor*-- in a cookie in order to remember each user that accesses a web page, when the user comes back to a web page (page 179, 187-189, fig. 9.6). The user's name serves to identify the user(s) to the web site, whenever the site is visited by the user(s).

Regarding claim 9, which depends on claim 8, Javascript discloses the display of a web page using a cookie, which only contains the user's name as a preference—*no characteristics in addition to the specific identity of the individual*--- whenever the user comes back to a web page (page 187-189, fig. 9.6).

Regarding independent claim 10, Javascript discloses a user viewing a web page in accordance to users' predetermined preferences, whenever each user returns to the web page, using links such as targeted links–*receiving an inquiry by a user to the web site* (page 178-179, 187-189).

Furthermore, Javascript discloses that a user(s) can store cookies having preferences. Whenever the user comes back to the web page, this user is remembered—*ascertaining identity of the visitor* using the cookie-- and the web page is viewed based upon the user's preferences—*visitor-specific information* (page 178-179, and 187). In other words, whenever a user returns to a web page or site, a server determines if there is a cookie associated with the user. If there is a cookie with preferences stored in association with the user, then the web page (containing information such as frames—*response information*) is sent and displayed to a user, in accordance to the user's preferences.

Claim 11 is directed towards a method for implementing the steps found in claim 6, and therefore is similarly rejected.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Javascript, in view of Nehab et al, hereinafter Nehab (Pat. # 6,029,182, 2/22/2000).

Regarding claim 3, which depends on claim 1, Javascript discloses that a user(s) can store cookies having preferences. Whenever the user comes back to the web page, this user is remembered, and the web page is sent to the user and viewed based upon the user's preferences (page 179, and 187). Javascript fails to explicitly disclose: *the first background research comprises contacting another website.* Nehab teaches a learning mode for creating a log of several web sites visited by a user in order to duplicate the user's navigation preference (col.8, lines 33-67). However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Javascript, and Nehab, because Nehab teaches allowing a user the benefit of scanning personalized data and read this data, which is relevant to the user's preferences, and which doesn't include too much information, in a natural fashion (col. 2, lines 1-10, 40-67), thereby preventing overwhelming a second user with voluminous, and irrelevant information.

Regarding claim 4, which depends on claim 2, Javascript discloses that a user(s) can store cookies having preferences. Whenever the user comes back to the web page, this user is remembered, and the web page is sent to the user and viewed based upon the user's preferences (page 179, and 187). Javascript fails to explicitly disclose: *the second background research comprises contacting the other website.* Nehab teaches a learning mode for creating a log of several web sites visited-- *second background research*-- by a user(s) in order to duplicate the

user's navigation preference (col.8, lines 33-67). However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Javascript, and Nehab, because Nehab teaches allowing people—*first, second, third visitors..*-- the benefit of scanning personalized data and read this data, which is relevant to the user's preferences, and which doesn't include too much information, in a natural fashion (col. 2, lines 1-10, 40-67), thereby preventing overwhelming a second user with voluminous, and irrelevant information.

14. Claims 7, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Javascript, in view of Landan (Pat. # 6,449,739 B1, 9/10/2002, filed on 1/17/2000).

Regarding claim 7, which depends on claim 1, Javascript discloses that a user(s) can store cookies having preferences. Whenever the user comes back to the web page, this user is remembered, and the web page is sent to the user and viewed based upon the user's preferences (page 179, and 187). Javascript fails to explicitly disclose: *the message comprises an electronic mail message.* Landan teaches disseminating customized web reports via email (col.8, lines 50-54). However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Javascript, and Landan, because Landan teaches the prompt notification of system administrators when a problem occurs in a web site (col. 2, lines 1-24-50, col.3, lines 27-67), thereby allowing system administrators a mechanism to quickly respond to web site problems.

Claim 12 is directed towards a method for implementing the steps found in claim 7, and therefore is similarly rejected.

15. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle (Pat. # 6,678,793 B1, 1/13/2004, filed on 9/27/2000).

Regarding independent claim 13, As the examiner understands this claim based on the 35 USC 112 indefiniteness indicated above, Doyle discloses that whenever a user comes back to a web site—*receiving an inquiry from a visitor to the web site* to return to the web site-- this user is remembered, and a personalized web page is presented (welcomed by name) (col.1, lines 53-67).

Moreover, Doyle discloses asking the user—*making an estimate of selected characteristics of the visitor*-- whether the user wishes to go to his pre-stored list of favorite items—*deriving customer-specific information based on the estimate* or questioning-- whenever a user comes back to a web site (col.1, lines 53-67). Doyle fails to explicitly teach *based on the inquiry, selecting second information from the collection, and compiling the first and second information into a message to the visitor.* However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined derived the information, and complied the first and second information into a message, because Doyle teaches above allowing the user the option of retrieving the list of favorite items on a web site, providing the benefit of displaying a web page, which contains a list of personalized items desired by the user,

thereby preventing a waste of time needed to sort through the web site to get to the information that is of interest to the user.

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Durham (Pat. # 6,330,566), Davis et al. (Pat. # 6,643,696), Pollock (Pat. # 6,632,249), Guan (Pat. # 2001/0027472), Malkin et al. (Pat. # 6,643,684), Aggrawal et al. (Pat. # 6,487,541), and Chislenko et al. (Pat. # 6,092,049).

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (703) 306-5543. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. However, in such a case, please allow at least one business day.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this Action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

- **(703) 703-872-9306,** (for **all** Formal communications intended for entry)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Cesar B Paula

CESAR B PAULA
Patent Examiner
Art Unit 2178

5/27/04